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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,918	07/03/2003	Takashi Igarashi	108833.01	5605
25944	7590	04/07/2006		EXAMINER
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320				SHAKERI, HADI
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/611,918	IGARASHI ET AL.	
	Examiner Hadi Shakeri	Art Unit 3723	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<b>Period for Reply</b>			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<b>Status</b>			
<p>1)<input type="checkbox"/> Responsive to communication(s) filed on _____.</p> <p>2a)<input checked="" type="checkbox"/> This action is <b>FINAL</b>.                    2b)<input type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
<b>Disposition of Claims</b>			
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-4</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-4</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>			
<b>Application Papers</b>			
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input checked="" type="checkbox"/> The drawing(s) filed on <u>03 July 2003</u> is/are: a)<input checked="" type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p style="margin-left: 20px;">Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p>			
<b>Priority under 35 U.S.C. § 119</b>			
<p>12)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All    b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="margin-left: 20px;">3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>			
<p>* See the attached detailed Office action for a list of the certified copies not received.</p>			
<b>Attachment(s)</b>			
<p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>013106</u>.</p> <p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p>			

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

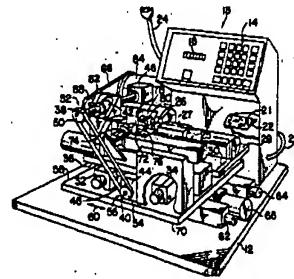
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al., US Patent No. 5,053,971.

Wood et al. discloses all the limitations of the above claims, i.e., a lens apparatus and machining method with a lens holding unit holding the lens at a center part by a shaft (128), a circumferential surface edging unit a groove machining unit and a lens shape measurement unit, it discloses a cutter including plurality of cutting portions for chamfering or pin beveling the lens corners.



Wherein the proper speed and feed rate are set based on the material selected, col. 10, line 28, and rotating the chuck in accordance with one or more operations, col. 1, lines 45-53, and wherein the thickness is determined and utilized in the instruction set in the program, col. 4, lines 45-55.

Wherein the method includes the steps of detecting the displacement of a probe (74) in the direction of the thickness and calculating other positions, or mapping the surface of the lens and a step of edging, col. 4, lines 17-56, and further steps of beveling, grooving and chamfering.

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3. Claims 1-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Mizuno et al. (6,074,280).

Mizuno ea al. discloses all the limitations of the above claims, i.e., a lens apparatus and machining method with a lens holding unit holding the lens at a center part by a shaft, a circumferential surface edging unit a groove machining unit and a lens shape measurement unit, it discloses a cutter including plurality of cutting portions for chamfering or pin beveling (04:55) (04:57) the lens corners.

Wherein the proper speed and feed is set based on the material selected (abstract) and thickness (e.g., 08:5-13) or the type of grinding (Abstract), e.g., rough grinding or mirror grinding.

4. Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by Shibata et al. (6,050,877).

Shibata et al. discloses all the limitations of the above claims, i.e., a lens apparatus and machining method with a lens holding unit holding the lens at a center part by a shaft, a circumferential surface edging unit a groove machining unit and a lens shape measurement unit, it discloses a cutter including plurality of cutting portions for chamfering or pin beveling (04:55) (04:57) the lens corners.

Wherein the proper speed and feed is set based on the input date, e.g., material (10:19-47), thickness (e.g., 12:45-47) and the type of grinding (e.g., 12:66).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. in view of Mizuno et al., US Patent No. 6,074,280.

Wood et al meets all the limitations of the above claim, except for specifically disclosing setting the speed based on rough machining or fine machining.

Mizuno et al. teaches setting the speed in reference to the material used or the input processing condition, and different speed for rough, fine finishing and mirror-finish. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Wood et al. by setting the speed by input process condition, e.g., the type of machining as taught by Mizuno et al. for an enhanced lens grinding, which can shorten the processing time and improve the quality, Mizuno et al., col. 1, lines 55-61.

#### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Response to Arguments***

8. Applicant's arguments filed 01/12/06 have been fully considered but they are not persuasive.

The argument that Wood is not clear with respect to changing the speed is not persuasive since Wood clearly states, e.g., (08:63) to set the rotational speed of the chuck and proper speed and feed rate (10:28) based on the input data. Further it is noted that claims 1, 3 and 4 do not recite the limitation of changing the speed for different processes, e.g., rough grinding groove carving..., as applicant seems to be arguing. With regards to the argument that Wood does not disclose setting the speed with regards to the thickness, attention is directed to, e.g., 10:45-48, that part of the input data is the thickness measured.

The argument that Wood discloses changing or setting the turning speed of the lens holder and not the machining tool, is not persuasive. Firstly, claims 3 and 4 only recite changing a turning speed of the revolving tool and/or a turning speed of the lens holding shaft (at least one of, claim 4), therefor the argument does not apply to these claims, and lacking other arguments against the reference, the anticipation rejections of claims 3 and 4 are maintained. The same argument regarding claims 1 and 2 is not persuasive since the claims do not recite changing the speed of the tool and the lens holder, but only recites for setting the function of setting machining condition, which is met by Wood, i.e., setting a turning speed of the tool (inherent since the tool rotates and is not stationary, i.e., 82-88) and setting a turning speed of the lens holder.

The argument regarding fine finishing and mirror finishing is not persuasive either. Examiner agrees that fine finishing is different from mirror finishing, but they are as different as rough finishing is to fine finishing. In another words, bulk removal versus fine removal, in terms of degree. Bulk removal in this case may apply to fine finishing since further finishing, e.g.,

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mirror finishing is followed. The claims do not set the degree to exclude comparing fine finishing to mirror finishing. However, the argument that Mizuno teaches that the turning speed of the grinding wheel remains the same during the rough grinding process and finishing process, as disclosed in Figs. 9 and 10 is not persuasive. The figures disclose one exemplary embodiment as apparent from the claimed embodiment, wherein the rough process and finishing process are recited to be at a first and a second speed, see claim 9. The teaching from Mizuno is to set different speed for different processes, i.e., type of finishing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri  
Primary Examiner  
Art Unit 3723  
April 3, 2006